

In The Matter Of:

*Arizona Department of Fire, Building and Life Safety
State Fire Safety Committee -- Public Meeting*

*Reporter's Transcript of Proceedings
June 10, 2015*

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ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY
STATE FIRE SAFETY COMMITTEE
PUBLIC MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Phoenix, Arizona
June 1, 2015
10:30 a.m.

REPORTED BY:

TERESA A. VANMETER, RMR
Certified Reporter
Certificate No. 50876

PREPARED FOR:
STATE FIRE SAFETY COMMITTEE

(Certified Copy)

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1 PUBLIC MEETING OF THE ARIZONA DEPARTMENT OF FIRE,
2 BUILDING AND LIFE SAFETY STATE FIRE SAFETY COMMITTEE was taken
3 at 10:30 a.m., on June 1, 2015, at the Department of Fire,
4 Building and Life Safety, 1110 West Washington Street, Room 250,
5 Phoenix, Arizona before TERESA A. VANMETER, RMR, a Certified
6 Reporter in and for the State of Arizona, County of Maricopa,
7 pursuant to the Rules of Civil Procedure.

8
9 BOARD APPEARANCES:

10 Randy Karrer
11 Mark Burdick
12 Russell Louman
13 John Gilmore
14 Patrick Moore
15 James Ford

16
17 LEGAL APPEARANCE:

18 Frankie Shinn-Eckberg, Esquire

19
20 STAFF APPEARANCES:

21 Debra Blake
22 Fred Durham
23 Maryann Knight
24 Amy Sauer
25

Phoenix, Arizona
June 1, 2015
10:30 a.m.

P R O C E E D I N G S

MR. KARRER: It's 10:30 a.m. We'll go ahead and call the meeting of the State Fire Safety Committee to order. We're at 1110 West Washington, Room 250 in Phoenix, Arizona.

So I would ask that we have a roll call. So Amy, can you call the roll call?

MS. SAUER: Yes, sir. Thank you.

Debra Blake, Interim Director?

MS. BLAKE: Here.

MS. SAUER: Fred Durham, Assistant State Fire Marshal?

MR. DURHAM: Here.

MS. SAUER: Maryann Knight, Deputy Director?

MS. KNIGHT: Here.

MS. SAUER: Frankie Shinn-Eckberg, Attorney General's office?

MS. SHINN-ECKBERG: Here.

MS. SAUER: Mark Burdick?

MR. BURDICK: Here.

MS. SAUER: James Ford?

MR. FORD: Here.

MS. SAUER: Lisa Gerwitz?

1 John Gilmore?

2 MR. GILMORE: Here.

3 MS. SAUER: Randy Karrer?

4 MR. KARRER: Here.

5 MS. SAUER: Eric Krznarich -- Krznarich? I can't
6 say it. I'm sorry.

7 Russell Louman?

8 MR. LOUMAN: Here.

9 MS. SAUER: Patrick Moore?

10 MR. MOORE: Here.

11 MS. SAUER: Rick Southey?

12 MR. KARRER: So do we have a quorum? We have a
13 quorum, right?

14 MS. SAUER: Yes, sir. We have a quorum.

15 MR. KARRER: Okay. Outstanding. All righty.

16 Moving right along. We have the approval of the April 2nd, 2015
17 minutes. You should have got those via e-mail.

18 MR. BURDICK: Motion to approve.

19 MR. KARRER: Motion to approve. Is there a
20 second?

21 MR. LOUMAN: Second.

22 MR. KARRER: Second. Is there any further
23 discussion? Corrections?

24 All those in favor signify by saying aye.

25 BOARD MEMBERS: Aye.

1 MR. KARRER: Any nays or abstentions?

2 Okay. Passes unanimously.

3 Moving on to old business, Item No. A, review,
4 discussion and action on adopting the 2012 International Fire
5 Code with amendments.

6 Debra or Fred?

7 MR. DURHAM: All right. If you'll turn to the
8 very first page, what I've done is I've gone through and I've
9 looked at what the amendments were made to the fire code the
10 last time it was adopted, and I've typed up some proposed
11 amendments for this time. As you know, we've got approval from
12 the governor's office to move forward with adopting the 2012.
13 So if you -- there's the current and proposed for every one of
14 the modifications that were made last time.

15 So the first one, the only difference between the
16 current and the proposed is adding the new annexes that are
17 different between 2012 and the 2003. And that has to do with
18 the hazard communication, the emergency planning and the fire
19 systems out of service.

20 The other modification for the second page, the
21 only thing we had to do is take out wherever International
22 Plumbing Code, because since that time there is no state
23 plumbing code. That law was allowed to expire. So we can just
24 use, wherever it says plumbing code, International Plumbing
25 Code.

1 MS. BLAKE: Fred, can I interrupt just a moment,
2 please?

3 MR. DURHAM: Sure.

4 MS. BLAKE: If we go back to page 3, at the
5 very -- the pages are numbered. Amy did a good job of that. At
6 the bottom, right corner. We should take a vote on each of
7 these proposed changes?

8 MR. KARRER: Do you want to do it at one or do it
9 at the end on all of them?

10 MS. BLAKE: Whatever your preference is.

11 MR. KARRER: I'd prefer that we do it on all of
12 them, if that's okay.

13 MS. BLAKE: Okay.

14 MR. KARRER: When we go through all of them.
15 Okay.

16 MR. DURHAM: And the other change is in the
17 definitions, Section 202, for the R-3, the residential. It's to
18 make it comply with state law. It's the more than four dwelling
19 units.

20 In the appendices, again, that is just changing
21 it to 2012 edition and adding Hazardous Materials Management
22 Plan, Fire Protect Systems Noncompliant and Building Information
23 Signs into the incorporated appendices.

24 All right. Now, the next one --

25 MS. BLAKE: Page 8.

1 MR. DURHAM: -- on page 8 is a big change. So
2 last time the code was adopted, the fire marshal's office
3 proposed, and we adopted, basically, is what we did. And
4 looking at it this time, I think that was a mistake, because
5 this becomes the minimum fire code for everybody in the state,
6 and there are some jurisdictions that still just use the state
7 fire code as adopted as the minimum.

8 I don't want to take away their ability, because
9 what they did last time is they axed out all the permits that we
10 didn't issue, for cryogenics, for hazard fuel storage, et
11 cetera, et cetera. I don't think that's fair. If there is a
12 smaller jurisdiction that wants to require that permit, I think
13 that's fine.

14 So what I did change is I made an exception to
15 Section 105.1.1. The fire code official is authorized to
16 require or not require any type of permit listed in all the
17 different sections for permitting. That gives the local
18 jurisdiction the ability to require it, or if they don't have
19 the manpower, personnel or resources to not require it. But
20 that gives -- that just -- that leaves every type of permit
21 still on the books, so if there is a situation that arises for a
22 local jurisdiction, they can still require a permit for that
23 situation.

24 On page 11, the Inspections and Enforcement, No.
25 3.1, there was some definitions that were changed slightly.

1 That's why the Sections 103.1 through -- are deleted. We --
2 we're going to leave those sections in.

3 The Section 108.1 through 108.3 is the board of
4 appeals. So all right. The suggestion is to take that out, and
5 I would like discussion on that, see what you guys think about
6 that. I don't know if -- don't know if we need to require every
7 jurisdiction to have that. If we adopt the code with that in
8 there as the law, that means everybody has to have a board of
9 appeals. If they choose to have it, they could establish one.
10 There's no reason why they couldn't, but I don't know if it's a
11 good idea to force them to have it.

12 MR. KARRER: So by essentially deleting that,
13 they're having -- you're giving them the option --

14 MR. DURHAM: Yes.

15 MR. KARRER: -- to either establish it or not.

16 MR. DURHAM: There is no reason why they could
17 not establish it. We're not forcing them to establish it.

18 MR. KARRER: But then what if they don't have one
19 established and then someone wants to appeal the decision?
20 What's the mechanism?

21 MR. BURDICK: I don't know.

22 MR. DURHAM: It's up to the local, the county.

23 MR. KARRER: The local.

24 MR. DURHAM: The county, the local fire board,
25 the local fire chief.

1 MR. FORD: Would it defer back to the state? Do
2 you have an appeals process?

3 MR. DURHAM: There's no way for people to appeal
4 back to the state. The way things are set up in Arizona, once
5 the local jurisdiction is enforcing it, there is no recourse for
6 them come back to us and say, you know, well, Scottsdale's being
7 mean. They need to -- you need to tell them not to do that.
8 It's just --

9 MR. FORD: Never going happen.

10 MR. BURDICK: Well --

11 MR. DURHAM: Well, they try.

12 MR. LOUMAN: You notice he picked you out.

13 MR. DURHAM: I picked you. Well, no, because you
14 have the most --

15 MR. BURDICK: You know, sorry. As, I guess, a
16 point here that is I question -- I mean, we had -- we
17 established our own process in our jurisdiction. I just
18 wondered how many jurisdictions are out there that even are
19 aware of that, if you would, and I just see the option as being
20 a good choice right now, because I hate to say we did -- we
21 established an appeals process, and I don't think we've
22 reflected on the fact that the State had a required appeals
23 process, so probably would be the safest thing for folks to have
24 that.

25 MR. DURHAM: Yeah. Actually, last time we

1 adopted the state fire code, it was deleted last time. So there
2 was no state-mandated appeals process.

3 MR. KARRER: Okay.

4 MR. DURHAM: And I was saying did -- that was the
5 discussion. If you agree with the idea of no mandated appeals
6 process, that's fine with us.

7 MR. LOUMAN: I'd go with no mandated.

8 MR. KARRER: Yeah. I think that's fine, because
9 I know most jurisdictions do their own appeals process anyway.

10 MR. DURHAM: That's correct.

11 MR. BURDICK: Yeah

12 MR. DURHAM: And if you follow the ICC, there's a
13 search procedure. They want to have a board made up of this
14 many different professionals and this -- and there was one of
15 the local jurisdictions that I was talking to, they were
16 going -- talking about setting one up, and they said, but I
17 can't get anybody to volunteer that's a -- you know, it becomes
18 an issue because they can't meet the requirements.

19 MR. KARRER: Right.

20 MR. DURHAM: There's no architect who will
21 volunteer to come by two times a week or whatever, however it
22 means.

23 MR. FORD: So does it need to be deleted?

24 MR. DURHAM: Yes.

25 MR. FORD: Or does it need to say this allows

1 something under -- this allows the local jurisdiction to set up
2 their own process?

3 MR. DURHAM: That language can very easily be
4 added. We could delete the Section 108 and just make 108.1 an
5 appeals process may be established by the local, you know,
6 jurisdiction as required.

7 MR. LOUMAN: I would go with that.

8 MR. KARRER: Yeah, that's not a bad idea.

9 MR. FORD: Yeah.

10 MR. KARRER: Yeah.

11 MR. FORD: Because that's what most of us have
12 done, but smaller jurisdictions might not even go down that road
13 and think about it. Mark was talking about it.

14 MR. MOORE: Agreed.

15 MR. BURDICK: I wonder if they would know.
16 Supposed to.

17 MR. FORD: Until somebody appeals one of the
18 decisions, and then they'll know.

19 MR. KARRER: Okay.

20 MR. DURHAM: On page 12, the General Precautions
21 Against Fire. The old code was a permit shall be obtained in
22 accordance with the Department of Environmental Equality before
23 doing a bonfire, wildfire, you know, any of these fires.

24 Scratch that and rewrite it, when required by the
25 fire code official, a permit shall be obtained in accordance,

1 blah, blah, blah, and when -- and the nice thing is they added
2 the 307.2.1 to the fire code this time that states where
3 required by local, and open burning shall be only permitted with
4 prior approval from the air quality folks.

5 So that's specifically in the code now that the
6 -- you must meet air quality requirements, and it still gives
7 the authority for the local fire code authority to require some
8 sort of permit to kindle an open fire.

9 MR. BURDICK: Fred, I just -- what's
10 silviculture -- silvicultural.

11 MR. DURHAM: That is a word I had to look up.
12 It's horticultural. I don't know why -- it has to do -- I
13 checked the -- yes, that is the word that is in the code.

14 MR. BURDICK: Okay.

15 MR. DURHAM: And it means rangeland practices.

16 MR. BURDICK: So --

17 MR. DURHAM: I don't know why they couldn't have
18 just said that, but yes.

19 MR. BURDICK: Yeah. Okay. It doesn't refer to,
20 though -- when you say horticulture, it doesn't refer to farmers
21 burning their fields or anything like that. This is more
22 rangeland management.

23 MR. DURHAM: Yes. Although if a jurisdiction
24 wished, they could require farmers to at least give notification
25 before they light a fire. It wouldn't be a bad idea.

1 And then the old section used to be, abandoned
2 premises, abandoned -- abatement of abandoned structures and
3 premises shall be conducted in accordance with state law. Just
4 changed it in accordance with state law, left the other language
5 in there this time instead of striking everything. And it gives
6 some direction on what to do in case you have an abandoned
7 premises.

8 MR. KARRER: Right.

9 MR. DURHAM: It gives the fire department back a
10 little bit of authority at least to secure it.

11 On page 13, Emergency Planning and Preparedness,
12 no changes whatsoever.

13 And on page 14, we changed the fire command
14 center, a local authorized emergency response provider. That's
15 just the state fire marshal's or -- we don't have ultimate
16 jurisdiction on that. We want people to be able to verify with
17 the local authority some of the emergency -- you know, the
18 location of the fire command center, et cetera.

19 The Building Services, again, this was
20 reorganized slightly. So 601.2 did not need to be deleted
21 anymore. So we'll leave that in. And the other stuff is just
22 renumbering, because there's a whole Chapter 50 now instead of
23 Chapter 27.

24 And chapter -- page 16, the fire protection
25 systems, it specifies we're going to leave in the part that says

1 that is the minimum required by state law. It made it very
2 clear what was required. And then take out Section B, because
3 the monitoring is completely addressed in multiple areas in the
4 code now instead of just in one section.

5 And Explosives of Fireworks.

6 MR. KARRER: Oh boy.

7 MR. DURHAM: Well, here's -- if you look at 17,
8 that's what we have currently. If you flip over to 18, since
9 this code was adopted, they've done the comprehensive language
10 that everything is in statute. The fire code explicitly says
11 everything's prohibited except where allowed by state law.
12 State law itself spells out where fireworks can/can't be used,
13 what a firework is, right down the line. I don't think there's
14 any reason why we need to go any further than just leave the
15 book as is, because there's language in there that says it's
16 prohibited except for what's allowed by state law. And because
17 state law is very detailed at this point and ever evolving, it
18 may be better just to leave it up to the legislature. They have
19 -- they've spelled it out down to which ones are authorized,
20 which ones aren't authorized, where you can use them, where you
21 can't use them, when they can be sold, when they can't be sold.

22 MR. BURDICK: Fred, is this -- again, on this
23 one, just where you've got the Title R4-36-310 --

24 MR. DURHAM: Uh-huh.

25 MR. BURDICK: -- would there be a sentence

1 underneath that then that says --

2 MR. DURHAM: We'll just take out all of R34-6-310
3 (sic), because all the modifications that were done of the old
4 fire code to meet our state law no longer are valid.

5 MR. BURDICK: I guess --

6 MR. MOORE: Yeah. Should we reference back to
7 this?

8 MR. DURHAM: We could put in -- there is --

9 MR. KARRER: I think that's what he's saying is
10 reference it back to the state law.

11 MR. BURDICK: Yeah. I guess my question is then
12 just delete the whole, including the R4-36-310, explosive
13 fireworks, or underneath that say --

14 MR. MOORE: By held in accordance to state law --

15 MR. BURDICK: Yeah.

16 MR. MOORE: Otherwise we're going to get a rural
17 fire district that will not enforce the state law or in code,
18 and they'll say it's not addressed in the code, because they
19 maybe won't realize that it should be. And I know we're talking
20 about -- but in the rural, especially in the western portion of
21 our state, we have some real rural districts that will be out
22 gunslinging it, so to speak.

23 MS. BLAKE: And typically, you can't just delete
24 it. You have to leave the code -- or the --

25 MR. MOORE: Heading?

1 MS. BLAKE: -- reference in there, then say
2 appealed or repealed, I mean.

3 MR. DURHAM: Uh-huh.

4 MS. BLAKE: And you could refer back to statute.

5 MR. KARRER: I think that's the safest thing.

6 Frankie, I'd defer to you. Don't you think that that --

7 MS. SHINN-ECKBERG: I agree.

8 MR. KARRER: Yeah.

9 MS. SHINN-ECKBERG: That's typically what we do
10 with statutes when we do strike-throughs.

11 MR. KARRER: Got it.

12 MS. SHINN-ECKBERG: They'll just write it was
13 repealed in such year.

14 MR. KARRER: I'd like to do that.

15 MR. LOUMAN: Yeah.

16 MR. FORD: I think you have to have a reference,
17 because it is different for different areas of the state and
18 jurisdictions where the statute is.

19 MS. SHINN-ECKBERG: The transparency, it's nice
20 for them where to know where to go, not to think that there's
21 nothing guiding them.

22 MR. KARRER: Yeah.

23 MR. BURDICK: Yeah, and I guess my only other
24 question also is under -- because I don't have the whole thing
25 here, is there an F through Z? Is this the entire --

1 MR. DURHAM: No, this was the entire.

2 MR. BURDICK: That's the entire. Okay.

3 MR. DURHAM: This was the entire regulation of
4 fireworks, because this was just the changes to the code
5 obviously last time.

6 MR. BURDICK: Oh, I see. I see. So then, yeah,
7 it's just -- it's... Intentionally left blank, underneath.

8 MR. KARRER: Intentionally left blank.

9 I think what Frankie said is good. Let's just
10 reference it. Transparency, I think, is critical.

11 MR. LOUMAN: The legislature.

12 MR. KARRER: Pays attention.

13 MR. MOORE: Yeah. Turns into an auditor.

14 MR. DURHAM: So, yeah, we'll just -- we can just
15 -- I can just put the reference, all use of fireworks, you know,
16 shall be in accordance with state law.

17 MR. KARRER: Yeah.

18 MR. DURHAM: And I'll find that little section
19 where it says in accordance with state law, and we can insert
20 the statute in that section.

21 MR. KARRER: Okay. Perfect.

22 MR. LOUMAN: It's repealed and then that
23 sentence.

24 MR. KARRER: Uh-huh.

25 MR. LOUMAN: Is that where we're going?

1 MR. KARRER: Uh-huh. Whatever Counsel's
2 recommendation is. I would say that's what Frankie said, so
3 yeah.

4 MR. LOUMAN: Oh, we're throwing it on her.

5 MR. KARRER: Yeah.

6 MS. SHINN-ECKBERG: Works either way.

7 MR. KARRER: The legal beagle.

8 MR. DURHAM: And on page 19, the Referenced
9 Standards. Last time when the 2003 code was adopted, the NFPA
10 codes that were referenced by the 2003 were the 1999. They were
11 getting very old. So the committee made the decision to update
12 and do the 2002 versions, which made sense.

13 This time the ICC code and the NFPA code are very
14 close. There are many '12 items in there, and I don't see a
15 reason to adopt anything different than what is listed in the
16 code book. I mean, I don't know if I can -- I wish I could just
17 say the newest version of, but I don't think that's feasible,
18 because you almost have to stay in one cycle, and the problem we
19 had last time was when we did change just a portion of it
20 because the rest of it was still referencing 1999 versions
21 except we were referencing 2002 versions --

22 MR. KARRER: Right.

23 MR. DURHAM: -- and you pretty much have to state
24 in the same cycle for all of those because they interlink so
25 much.

1 MR. KARRER: Right. Got it.

2 MS. BLAKE: So you're going to repeal this one as
3 well?

4 MR. DURHAM: Yes. Just repeal it. There's no
5 need to keep it.

6 And that's it for the changes to the fire code,
7 for the '12. I don't -- I want to leave it pretty much as
8 published as much as humanly possible. As it is, the minimum
9 for the State, I want everybody to have as much ability to use
10 it, to enforce it in the best way they can.

11 MR. KARRER: Okay. Any further discussion on the
12 fire code?

13 MR. FORD: How many people do you think aren't
14 currently using the '12 or more? I mean, who are we going to
15 impact by doing this.

16 MR. DURHAM: Places like Douglas, Safford,
17 Thatcher. Nobody in the valley, not that I can -- I can't think
18 of anybody in the valley that's still using the '03.

19 MR. FORD: I wasn't worried about the people in
20 the valley, but...

21 MR. DURHAM: There are a few smaller outlying
22 areas that still use just the state fire code.

23 MR. FORD: So how do we get this out to them?
24 Through the fire chiefs and the fire marshals --

25 MR. DURHAM: Yes.

1 MR. FORD: -- associations and that type of
2 stuff.

3 MR. DURHAM: Yes. A notice will be sent out.
4 Yes.

5 MR. FORD: And is there a 60-day, 90-day, once
6 this goes through, once our --

7 MR. DURHAM: Well, Debra can help me with that.
8 Once you guys approve this, then we will go to rule writing
9 commission, and then it's, what, 90 days, 120 days?

10 MS. BLAKE: Well, there's a process. Frankie
11 probably knows it better than I do, but they have to publish
12 notice to let opportunity for public comment. They have at
13 least one meeting over at the Governor's Regulatory Review
14 Council where the public can come, and you probably are all
15 aware that the governor's office approved us moving forward with
16 the adoption of the 2012 fire code, with the caution as long as
17 there's not push back from the public.

18 So depending on how involved those jurisdictions
19 are that it would be a burden or they have some objection to it,
20 and I've been directed to make the governor's office aware if
21 there are people that show up or there's any letters written in
22 opposition to it and the reasons why. The governor's office may
23 at that point pull the plug on it and say, no, you can't move
24 forward, but we're not anticipating that. So that's the
25 process. I think it -- is it three months after GRRC?

1 MS. SHINN-ECKBERG: It's usually about three
2 months.

3 MS. BLAKE: I think it's three months after. So
4 it's a very formal process, and I think from start to where it
5 actually becomes part of law is probably six months from start
6 to finish.

7 MR. FORD: So are we part of that process when
8 you have hearing for your --

9 MR. DURHAM: If you wish to be.

10 MS. BLAKE: You can if you want to be. It's open
11 to the public.

12 MR. FORD: We got nothing else to do.

13 Okay. Is there an opportunity for, like, Arizona
14 chiefs or the Arizona fire marshals to put in letters of support
15 for this --

16 MR. DURHAM: Yes, there is.

17 MR. FORD: -- through that process?

18 I don't see that the smaller jurisdiction's
19 necessarily saying, no, we don't want to ever move forward.

20 MR. DURHAM: No.

21 MR. FORD: I'm not worried about that other than
22 what's truly going to impact them, but I just want to make sure
23 that, you know, we're still on 2003, and we're -- most of us are
24 doing 2015. So we're over a decade behind again. Have to catch
25 up a little bit. I'd like to make sure that the process goes

1 forward. I'd hate to have this -- everybody do all this work
2 and everything, go forward and all of a sudden one business
3 owner or one person from a small jurisdiction says, hey, here,
4 we only received one letter and it was somebody saying this is
5 nuts versus something to offset that.

6 MR. BURDICK: This is -- I agree, Jim, because of
7 the former fire marshal's in the audience that explained to us
8 at one time that the stakeholders are the ones who -- out there
9 are the ones who are going to rear up, and I'm very concerned if
10 the governor's office said if no one complains. I mean, I hope
11 that's measurable, because in the interest of safety, there are
12 always going to be those who step forward. We've had
13 discussions, Fred. There's some places operating out around the
14 state that I'm sure would love to re- --

15 MR. MOORE: Yeah, I would echo that as well.

16 MR. BURDICK: Yeah. That's the concern. I
17 agree, how much the stakeholders have been notified, not, so it
18 go does go through.

19 MR. DURHAM: The public comment period when we
20 have the meetings, and you can send -- letters can be posted to
21 the meetings, that's pro and con, and absolutely anybody who
22 wants to say this is a great idea is more than welcome to send
23 letters, or even people who say that they think it's a horrible
24 idea are more than welcome to show up and send letters. To be
25 honest, when we had the fireworks ones, nobody ever showed up or

1 sent a letter.

2 MR. FORD: Probably talk about the legislature.

3 MR. DURHAM: Yeah. Yeah. But I think you're
4 right. I think some -- the support of the regulated industries,
5 the regulated persons, I think that's -- that will be a big help
6 in getting it put through.

7 MS. BLAKE: And even if some members of the
8 committee would have the time to attend those meetings, we'll
9 definitely keep you informed of when they are, because it's good
10 to have -- in case there is any negative comments by the public
11 there to have one of you there that can stand up and speak to
12 the benefits.

13 MR. FORD: Well, if --

14 MS. BLAKE: I mean, you all can decide that later
15 as to who's going to do that.

16 MR. FORD: And we've kind of dumped that -- in
17 all honesty, we've kind of dumped that on the state fire
18 marshal's office. We've never worried about it. We let all you
19 guys do all that. I don't know if that's proper either. I
20 think as part of this committee we probably should be showing
21 support for that office.

22 MR. KARRER: Right. I would agree.

23 MR. FORD: So yeah.

24 MR. DURHAM: I would appreciate some people who
25 have moved to the '12 to be able to speak. If there are

1 consumers who feel it's a bad idea, we have no experience, but
2 I -- someone who has been in the '12 for a few years can speak
3 to the fact that it's good.

4 The one question came up, to be honest, from the
5 governor's office even was the change in the occupancy threshold
6 after the nightclub fire for the station, when they developed it
7 down to 100 for nightclubs to have to have sprinklers. And I
8 sent out a letter, checked with a bunch of people, and to a man,
9 everybody came back, said, no, no one has complained. Even the
10 regulated bars and restaurants who I figure would have had
11 something to say, apparently their insurance companies are
12 coming down hard on them now.

13 MR. KARRER: They are.

14 MR. DURHAM: And they are -- they're all on board
15 as well. So apparently the insurance companies are being much
16 stricter than we are.

17 MR. KARRER: Well, that and the liability is
18 simple.

19 MR. DURHAM: The liability insurance.

20 MR. KARRER: The simple fact of, you know, owners
21 will be sued. I mean, that...

22 MR. DURHAM: But that kind of information would
23 be good to have if it does come up, if you do have someone --

24 MR. KARRER: Right.

25 MR. DURHAM: -- that says, oh, it's going to cost

1 us -- you know, oh, the sprinklers -- because they do change.
2 There are more sprinkler -- the ICC code is becoming very
3 sprinkler driven. Every time it comes out, the sprinkler
4 threshold shrank a little bit every time. So eventually I
5 wouldn't be surprised to see zero thresholds on stuff. Not in
6 the state code for a few more years, but some places are already
7 like that.

8 MR. FORD: I give up.

9 MR. DURHAM: No, no. It's not just you. There's
10 a lot of places have gone to that.

11 MR. FORD: But that's -- again, that's -- when
12 this is passed and approved, unless I'm reading it wrong or what
13 we do different, that's for those buildings from that time
14 forward.

15 MR. DURHAM: That's correct.

16 MR. FORD: We're not retroactively going back --

17 MR. DURHAM: No.

18 MR. FORD: -- which is always the argument and
19 the misinformation that's brought out there.

20 MR. KARRER: Exactly. Transparency, I think, is
21 the key.

22 MR. DURHAM: Yeah.

23 MR. FORD: You know, this is stuff we adopted,
24 because there is no state building code still, right?

25 MR. DURHAM: That is correct.

1 MR. FORD: So, you know, I guess if you're going
2 to build a nightclub under the building code, you just choose
3 whichever one you want to use and go forward? How do you do
4 that? Or is that the counties, I guess?

5 MR. DURHAM: There is a hierarchy. The counties
6 have building codes, almost all of them. There's -- I know of
7 one that still does not, but they're not building any
8 nightclubs. It's out there in Greenlee, Greenlee County. They
9 don't have a county building code yet.

10 MR. FORD: Yeah, so --

11 MR. DURHAM: But every other one, there is a
12 county building code, and then the local jurisdictions
13 underneath that, the towns and the cities have their own
14 building code. So you have the same thing as the fire code now.
15 There are multiple building codes across the state. It's all in
16 different years and different versions with their own local
17 amendments. That's a whole other...

18 MR. FORD: Yeah. It would be interesting to see
19 what building codes the counties are on. You know, if we pass
20 this and they're on the 2003 or the 2009 building code, is that
21 going to impact the county building codes, where they don't line
22 up, which has always been an issue, I think, statewide issue.

23 MR. DURHAM: Yeah.

24 MR. FORD: It's never been an issue for the
25 bigger jurisdictions. We just make sure we do that. We do 2015

1 building code, do the 2015 fire code in the district.

2 MR. KARRER: Uh-huh. That's a good point.

3 MR. FORD: But I don't have any idea what's out
4 there, what -- what would this take those building guys? I
5 don't know. Did Bob have an opportunity to ask those guys
6 what -- if there's a big change out there or something?

7 MR. LOUMAN: He didn't seem to think there was a
8 really big change.

9 MR. FORD: Okay. I don't mind forcing the issue
10 and making them making them address it, too, you know, on the
11 building side of it, but I'm just trying to look at all the
12 different things that are going to pop up and say, gee, we're
13 still on the 2006 building code.

14 MR. LOUMAN: But the problem I think we're going
15 to have if anybody does kick back that they don't like it or
16 have an issue with it, it's going to be about money for training
17 these people moving forward.

18 MR. FORD: Okay.

19 MR. LOUMAN: That would be the only thing that I
20 see that anybody would really have resistance to, is we don't
21 have the budget to train these people to go from the '03 to the
22 '12.

23 MR. DURHAM: And I'm not as familiar with the
24 building code as the fire code, but I would assume that the
25 building code is 98 percent the same between the '06 and the '12

1 as it is between -- like the fire code has been rearranged, but
2 to be honest, it's -- at least 95 percent of it is the same as
3 it was in the 2003.

4 MR. LOUMAN: From the '06 to the '12, there was a
5 pretty good amount of change.

6 MR. FORD: In the building code. In the building
7 code.

8 MR. DURHAM: I know there is a change between the
9 '06 and the '09.

10 MR. LOUMAN: Uh-huh.

11 MR. DURHAM: And then some of that stuff that
12 they changed in the '09 went way again when they brought the '12
13 in.

14 MR. LOUMAN: Right.

15 MR. DURHAM: Stairwell widths, some other
16 weird --

17 MR. LOUMAN: Right. But there was still some --

18 MR. KARRER: Yeah.

19 MR. LOUMAN: -- pretty significant changes.

20 MR. FORD: Well, at the very least, it forces
21 discussion between the two authorities who have jurisdiction.
22 Whoever turns out to be your local fire authority and whoever
23 turns out to be your county building official, it forces some
24 discussion on how far behind you're willing to stay.

25 MR. LOUMAN: Right.

1 MR. FORD: I guess.

2 MR. KARRER: And from my perspective, I don't
3 think that's a bad thing.

4 MR. FORD: I don't either.

5 MR. KARRER: I think that that's good. I think
6 for the safety of the state residents, which is what our primary
7 goal is, that's what we're trying achieve, is to really guide
8 that safety aspect we get -- I guess compliant in the latest
9 technology and codes.

10 MR. LOUMAN: And definitely that would be my
11 argument to the governor's office.

12 MR. KARRER: Right. Exactly. How long do you
13 want to be 10, 15 years behind.

14 MR. LOUMAN: Right.

15 MR. KARRER: It's just crazy.

16 Okay. Any further discussion? Okay. With that,
17 I'll entertain a motion.

18 MR. BURDICK: Motion to approve the recommended
19 amendments.

20 MR. KARRER: Okay. We have a motion to approve
21 the recommended amendments as presented. Is there a second?

22 MR. LOUMAN: Second.

23 MR. KARRER: A second. Is there a further
24 discussion?

25 MR. FORD: Just do we need to add to that we want

1 to put it into the process, to approve the amendments and then
2 initiate the process, or is that an automatic?

3 MR. DURHAM: That's automatic at this point.

4 MS. BLAKE: Automatic.

5 MR. DURHAM: You've given me -- before we said
6 let's go ahead and adopt it, and so now we're just getting
7 that -- what I -- this is what I will take to the GRRC --

8 MR. FORD: Okay.

9 MR. DURHAM: -- to become adopted as the state
10 code.

11 MR. FORD: That's fine.

12 MR. KARRER: I think that from -- not speaking
13 for everyone, but if you need support at that and would like
14 attendance, I think that there's a number of us that would be
15 willing to attend and be there in support of.

16 MR. DURHAM: I think that would bet a fantastic
17 idea.

18 MR. LOUMAN: Okay.

19 MR. KARRER: All righty. Any further discussion?
20 All those in favor.

21 BOARD MEMBERS: Aye.

22 MR. KARRER: Opposed? Passing unanimously.
23 Okay.

24 MR. FORD: Just if we get a cleaned-up copy of
25 that, then we can get out to the chiefs and the fire marshals

1 and say (inaudible).

2 COURT REPORTER: I'm sorry. You need to speak
3 up.

4 MR. FORD: I'm sorry. I was just saying as this
5 gets cleaned up, that new code gets cleaned up, send that back
6 to us, and we can get it out to the state fire marshals and the
7 state fire chiefs for distribution and support.

8 MS. BLAKE: There is also -- the whole regulatory
9 review process is very formalized.

10 MR. FORD: Right.

11 MS. BLAKE: And we will be contacting someone who
12 has worked with Bob before. Her name is Jenny Hann (phonetic),
13 and she writes these rural packages.

14 MR. FORD: Okay.

15 MS. BLAKE: It's very formal. You have to do
16 economic impacts, everything. And certainly when that packet is
17 together that incorporates these amendments that you reviewed
18 today, would it be best to wait until that's ready, or do you
19 want to start sending it out now?

20 MR. LOUMAN: I would suggest once you have a
21 final version with everything in it, then.

22 MS. BLAKE: And then get it out to you.

23 MR. LOUMAN: Then get it out.

24 MR. FORD: Fine.

25 MS. BLAKE: Okay. And that way you can see

1 exactly what's going to be presented to the Regulatory Review
2 Council and share it as you will in talking with the other
3 jurisdictions.

4 MR. KARRER: All righty. Moving on to Item No.
5 B. Discussion of approved fiscal year 2016 budget for the
6 Office of State Fire National.

7 MR. DURHAM: All right. Page 20. The approved
8 budget has been published, and it's roughly the same as it was
9 last year. It's almost exactly --

10 MS. BLAKE: Exactly.

11 MR. DURHAM: -- the numbers that we thought that
12 we were going to have last time we spoke, but this time it's
13 official. The \$100,000 for the state fire school is in there
14 again.

15 MR. KARRER: Okay.

16 MR. DURHAM: And that money will be accounted
17 for. They did an excellent job last time accounting for it.
18 They spent it all perfectly. They were able to reduce the cost
19 of attendance for everybody. They --

20 MR. KARRER: Significantly.

21 MR. DURHAM: -- did a fantastic job with that.
22 So that's good. Other than that, you can see where we stand.
23 We're looking at just over \$2 million. And that's to operate
24 the Office of the State Fire Marshal, the Office of Manufactured
25 Housing and Office of Administration. So you can figure about,

1 what, 660,000, 700,000 is the state fire marshal's money.

2 Anybody have any questions on that? Don't laugh,
3 Jim.

4 MR. FORD: I'm not.

5 MR. KARRER: The -- there was a position, the --
6 is that still in there?

7 MR. DURHAM: There is a position. There is
8 \$73,500 to hire one full-time position. We're going to look at
9 that. Last year it was not done. The way that this -- the way
10 that money was allocated was a little bit odd, and Maryann can
11 speak to that. It's --

12 MS. KNIGHT: It's odd.

13 MR. DURHAM: It's odd. It's odd. It's not part
14 of our budget. It was a line item, which is -- it's a little
15 bit different. It doesn't come in in the same fashion, and it's
16 very restricted, because that full-time equivalent position, the
17 way they -- it has to be used according to the way that line
18 item says, and it also is -- there's no -- there was no
19 guarantee that we were even going to be able to -- it was going
20 to carry over. So to hire a full-time person, because they
21 added some verbiage to it this time that says, used for liaison
22 work for with Arizona State Fire Training Committee and other
23 firefighter training activities. Last time it was basically one
24 person to work -- to do the accounting, but the Fire Training
25 Committee did an excellent job, did the accounting themselves.

1 So we couldn't really justify that. There are other things, the
2 way they verbed it this time, we may be able to.

3 MR. KARRER: So that would perhaps be like the
4 fire rescue or the fire resource coordinator.

5 MR. DURHAM: Possibly. It depends how broadly
6 the words "other firefighter training activities" can be
7 stretched.

8 MR. KARRER: So do we anticipate that this is
9 actually going to come to fruition this year?

10 MR. DURHAM: I would say yes. Right?

11 MS. BLAKE: We're heading down that path.

12 MR. DURHAM: We're heading that direction.

13 MR. KARRER: We're headed down that path.

14 MS. BLAKE: Yes.

15 MR. LOUMAN: I was going go with definite maybe.

16 MR. DURHAM: Definite maybe is a good way of
17 saying.

18 MR. LOUMAN: That's a good one.

19 MS. BLAKE: It's on the record. We have to be
20 careful what we commit to.

21 MR. KARRER: Okay.

22 MR. FORD: Is that position going to be up for
23 review and discussion every single year now again?

24 MR. DURHAM: That is what I would expect.

25 MR. FORD: So we're hiring a full-time, part-time

1 position?

2 MR. DURHAM: A full-time position that every year
3 would have to be -- the money would have to be allocated for in
4 a line item.

5 MS. KNIGHT: It's like a full-time limited
6 position, because there's an end date on it. All right. So
7 whoever's hired would know that up front, but hopefully it will
8 be renewed every year.

9 MR. MOORE: Hopefully.

10 MR. DURHAM: Yes.

11 MR. MOORE: Hopefully.

12 MR. FORD: Does it have to be reposted every
13 year.

14 MR. MOORE: No, absolutely not.

15 MR. FORD: So if you hire somebody that's doing a
16 good job and works, then that person would be up if it gets
17 renewed --

18 THE WITNESS: It would just continue. Exactly.

19 MR. FORD: It would continue. Okay.

20 MR. KARRER: Okay. All righty. That's not an
21 action item. Any further discussion on the fiscal 2016 year
22 budget?

23 Okay. Moving right along to letter C,
24 presentation on the current status of the Lean Transformation
25 Project.

1 MS. BLAKE: I'm going to walk you through the
2 next three or four pages on that.

3 We brought this to your meeting in April and
4 wanted to share additional updates. So beginning on page 21,
5 Jeff Ashley, who does the plan review primarily, and under
6 Fred's leadership, they have just really done an outstanding
7 job.

8 As you can see from this chart on page 21, the
9 baseline for the cycle time, from the time the plan application
10 comes in until it's issued, had been running at about 50 days,
11 and so our live beta testing was the week of March 30th. They
12 got all the backlog cleaned up, which was critical to the
13 success of it. They got that down to 13 cycle days, and you can
14 see one of the risks on any quality assurance program, I guess,
15 if you will, is sustaining it. And so they have done an
16 excellent job all the way through now the end of May and
17 continuing to bring that further and further down and
18 maintaining it.

19 So we're very excited about that. We'll continue
20 to update you on this on future meetings. We're going to
21 revert, actually, beginning this week to showing it now on a
22 monthly basis instead of week to week. We just thought it was
23 important to watch it every week the first couple of months that
24 it had been implemented. So that's going very well.

25 And then on page 22, we talked about the backlog.

1 The fiscal '14 baseline that we started with was 40 days where
2 they sat in backlog before they were even touched, and so you
3 saw that a couple of these weeks, what was up to 18 and 20 days,
4 just were peak volumes. And, of course, that's out of our
5 control. But you just see those trending. Everything's looking
6 really good. The goal was a 50 percent improvement, and it has
7 maintained at least 50 percent or better all the way through the
8 process for the first two months.

9 And then on page 23, we talked about last time
10 how many plans are submitted, where the engineer is drawing the
11 plans, don't meet the fire code, and therefore there's
12 deficiencies on the plans. They have to be kicked back. So
13 just some tracking here.

14 You'll see that the beta testing, when everybody
15 wasn't used to the new process, was still at 71 percent of
16 everything turned in had errors, omissions, didn't meet the fire
17 code. Word spread rather quickly, and so the first week of
18 April, you can see that flipped completely, and it was 77
19 percent of everything that came in was good to go, and so you
20 just see some trending there. And then in the beginning of May,
21 you'll see that the deficient ones being submitted were down to
22 6 percent. So we're continuing to monitor that.

23 And then on page 24 one of the things that has
24 helped with the deficiencies is the new process that we put in
25 place, which was once it gets kicked back because it was

1 submitted deficient, they have seven business days to get that
2 fixed and back in here so that we can approve it or it gets
3 denied. So you see in the beta testing 29 percent of all plans
4 that were submitted, they did not get the corrections back
5 timely, and therefore 25 -- 29 percent of all those applications
6 ended up being denied, which means they forfeit their fee.

7 So you see the next three weeks we had no
8 problems. And again, we talked last meeting. The intent was to
9 change behaviors, and so that's worked really well. We had a
10 little blip in it the last week of April, first week of May, but
11 then it recovered again. And we hope to maintain that, that
12 we're in the range of certainly less than 10 percent going
13 forward, because our goal is certainly not to deny, but in order
14 to keep this process moving along and manage the backlog and the
15 cycle time, we have to have some kind of process then that
16 denies the plans if they cannot be issued.

17 Any questions about those four charts? Again, I
18 think they've done a great job.

19 MR. KARRER: Well done. Well done Debra and
20 Fred. I would say that that's remarkable.

21 MR. BURDICK: Well done. Only to be nitpicky, is
22 that 4/26 through 5/18 is 88 and 15 percent, adds up --

23 MR. KARRER: Oh, gee. Whoa.

24 MR. BURDICK: But otherwise, well, we're talking
25 lean here, you know. No, I agree. I think it's remarkable.

1 One other question is how many -- what's the
2 volume? How many permits per week, do you know?

3 MS. BLAKE: What do you have?

4 MR. BURDICK: Couple then.

5 MR. DURHAM: No. Almost twenty.

6 MR. BURDICK: Really?

7 MR. DURHAM: Yeah.

8 MR. BURDICK: That really is.

9 MR. KARRER: Yeah, that is.

10 MR. BURDICK: Those are pretty substantial
11 numbers.

12 MS. BLAKE: Yeah, it is.

13 MR. BURDICK: That is good work really.

14 MR. MOORE: 103 percent good work.

15 MR. BURDICK: It could be that way every now and
16 then just to show I'm reading.

17 MS. BLAKE: And then on page 25, the last graph
18 there, did you want to walk through that?

19 MR. DURHAM: Yeah. I want to just bring up on
20 page 25, if you remember the last time we showed off our new
21 plans portal that Jonathan and our IT guys with had written. We
22 launched it in March, and we got seven plans through the portal
23 in March, and 55 came across the desk in old-fashioned rolls.
24 By the middle to the end of April, those numbers had crossed,
25 and they're on -- the hard submission is on a straight downward

1 trend, and the online plans on a straight upward trend.

2 Everybody loves it.

3 At this point we are 100 percent of plans can be
4 submitted online, 100 percent can be applied for online, and
5 overall -- I'm sure there is one or two people who have had
6 trouble with the computer, but overall, the customers absolutely
7 love it. I mean, I've got people like QuikTrip trying to apply
8 for things from Oklahoma, and when they find out, what, there's
9 a portal? I don't have to FedEx it? No. Just go here, pay for
10 it, upload your plans. When they're done, we'll stamp them
11 digitally. You can download them. Done. And it is becoming
12 fantastically popular.

13 We still get a few. The actual hard copy numbers
14 for May are -- they're artificially high due to a rush job that
15 they couldn't figure out how to upload, and they brought a stack
16 of stuff in that was, like, nine permits, ten permits for
17 some -- I think that was the Gates issue.

18 MS. SAUER: Yeah.

19 MR. DURHAM: That they just had to do it right
20 now. They didn't want to mess with any -- just -- and they
21 carried it in and we took care of it. But you could probably
22 subtract nine, you know, more off of the hard copies than we
23 even show.

24 MR. BURDICK: Fred, this is -- the other thing,
25 you had no glitches with the system, right?

1 MR. DURHAM: We had some, but not major. No.

2 MR. BURDICK: Yeah.

3 MR. DURHAM: It's -- Jonathan did a lot of beta
4 testing on it, and there was a lot when we rolled it out. It
5 was so successful, in fact, that we were going to postpone it,
6 see how long it was -- you know, we figured there would be a lot
7 of problems to work through. There have been almost no problems
8 on his side.

9 The only issues that have cropped up is more the
10 web payment system, some of the stuff where we have to interface
11 with ADOA's credit card, because we don't take a credit card.
12 That actually is handed off so we don't have to keep -- yeah.
13 It's a third-party handoff ADOA thing. Their stuff has had more
14 of a glitch than the stuff Jonathan wrote.

15 MS. BLAKE: It's new.

16 MR. BURDICK: That's fantastic.

17 MR. DURHAM: It is absolutely fantastic.

18 MR. BURDICK: I mean, government portals and web
19 sites aren't -- historically always launched very successfully.

20 MR. DURHAM: I will say --

21 MR. BURDICK: There's a few examples I can think
22 of.

23 MR. LOUMAN: Yeah.

24 MR. DURHAM: -- it's not fancy. It doesn't have
25 lots of sparkly graphics. It just works, and that's the big

1 difference.

2 MR. FORD: Interesting concept.

3 MR. BURDICK: Yeah.

4 MR. KARRER: Well done.

5 MR. DURHAM: Yeah. Thank you.

6 MR. KARRER: Well done both of you.

7 MS. BLAKE: Thank you.

8 MR. KARRER: And to your staff, too. That's
9 awesome.

10 MR. FORD: I think it will just continue to get
11 better. That's what we've experienced, because once people
12 realize, like you're saying, that they can do this.

13 MR. DURHAM: You're absolutely right. The
14 contractors, I thought -- even people who I've known for years
15 who I thought would be hesitant to change were the ones that
16 amazed me with -- they were the first ones to say, oh good, I
17 can just dump the CAD? Oh, fantastic. Oh, okay.

18 MR. KARRER: Well done.

19 Okay. Further discussion on the online web
20 portal?

21 All right. Hearing none, we'll move on to the
22 next letter, which is item E, discussion on replacement of the
23 retired state fire marshal.

24 Debra, I assume that's yours.

25 MS. BLAKE: It is, and page 26, we just wanted to

1 share with all of you, although most of you have already seen
2 it, the letter from the Arizona Fire Service Institute that went
3 to the governor's office urging them to move forward with
4 replacing the two key positions, which is the retired state fire
5 marshal, as well as -- I'm moving into F as well now -- the
6 director for the department. I reached out to the governor's
7 office to make sure that they received this letter and at first
8 was told, no, they hadn't seen it.

9 MR. KARRER: Of course.

10 MS. BLAKE: And that was the chief of staff for
11 the governor, and so Fred assisted. We got a copy of the
12 letter, got it over to them. And unfortunately we've had no
13 communication as to their intent to move forward with either
14 position. I'm sure they understand that they are key positions.
15 They need to replace them. I guess my sense is if you look at
16 the list of 36 state agencies, we're somewhere down here, and
17 they're working on the agencies up here is my guess.

18 And as I jokingly like to say, since they have an
19 interim director, they have an assistant fire marshal, nothing's
20 burnt down, nobody's died so far since Bob left. I don't think
21 they see any urgency in it. Fred and I would certainly like for
22 them to move forward on it, because obviously he's got a lot on
23 his plate. I've probably got the most on my plate. So I would
24 love for them to do something, but at this point in time there
25 has been no communication on their intent to do either at this

1 point.

2 So I wish I had better news to report to you, but
3 that's my honest answer. They did get the letter, and we know
4 nothing at this point.

5 MR. KARRER: It's interesting, because -- and I
6 can speak a little bit to this because I'm the facilitator of
7 the AFSI chairman, but it -- boy, you know, we just want to get
8 some permanent, you know -- and I think that's the overreaching
9 goal from the AFSI, is permanent leadership. I think you guys
10 are doing a great job, and I think everyone sees that, but we
11 want to make sure that we don't lose out on this --

12 MS. BLAKE: Sure.

13 MR. KARRER: -- and that there isn't a whack that
14 comes across that takes us all by surprise, so...

15 MS. BLAKE: We agree.

16 MR. KARRER: Anything that we can do to help
17 facilitate that, please let us know.

18 MR. LOUMAN: And if I remember right, correct me
19 if I'm wrong, but it is budgeted for this --

20 MS. BLAKE: They are budgeted. In fact, I tried
21 to be creative, I guess, if you will, and push them a little bit
22 forward, because we have a vacancy savings in our budget,
23 because even though Bob had a tremendous amount of unused
24 vacation time, as did Director Gene Palma, out of our budget,
25 we, of course, had to pay that. That comes out of our budget.

1 I think they both had seven or eight weeks. So we had to pay
2 that money out. But even --

3 MR. LOUMAN: I'm shocked.

4 MR. BURDICK: Yeah. Never could get him to take
5 a vacation day.

6 But even saying that for those two positions, at
7 the end of June we'll be giving back somewhere between 55 and
8 \$60,000 in vacancy savings for those two positions, because they
9 are unfilled at this time. So I made them aware of that, and
10 they said, oh, that's great news. Thank you. That wasn't the
11 response I was looking for.

12 MR. FORD: Take it.

13 MR. KARRER: Yeah. It's more like --

14 MS. BLAKE: So they're happy to get the money
15 back, and that may have blown up in my face. That may not have
16 been a good idea to do, but -- so they have the letter.

17 There were other letters that were received from
18 Manufactured Housing in terms of the importance of the services
19 that this agency provides to the community, as is done typically
20 when there's any change in administration. So they have about
21 six or seven letters over there supporting the department. This
22 is the only letter specifically, I think, that says, hey, you
23 got two key positions open. Do something. And it will be three
24 months the 16th of June. So we're coming up on three months
25 with not having permanent people in those positions.

1 MR. KARRER: We'll keep trying. We will keep
2 trying.

3 MS. BLAKE: Thank you.

4 MR. KARRER: Okay. Any further discussion on
5 either Items E or F?

6 All righty. Moving right along, item -- excuse
7 me, letter G. Discussion on the current status of the fireworks
8 legislation and regulation.

9 Debra?

10 MR. DURHAM: That -- Frankie would like to speak
11 up to that.

12 MR. KARRER: Frankie.

13 MS. SHINN-ECKBERG: Hi. So at the April meeting,
14 the committee had asked what happens when a non-governmental
15 entity withdraws a version of the code that has already been
16 adopted by the legislature. I did some research into this and
17 talked with Mary and Fred and checked out a lot of case law that
18 we have on the books, which we really don't because nothing is
19 quite like this.

20 MR. KARRER: Yeah. Go figure.

21 MS. SHINN-ECKBERG: So I have prepared a small
22 memo, which I'll just read to you.

23 So a statute which refers to and adopts the
24 provisions of another statute is not repealed or affected by the
25 subsequent repeal of that prior statute. And where a statute

1 adopts by specific reference the provisions of another statute,
2 regulation, ordinance or treaty, including anything from another
3 jurisdiction, those provisions are also incorporated in the
4 forum in which they existed at the time of the reference.

5 The Committee's concern is valid in observing
6 that the NFPA code is not a treaty, a statute, a regulation or
7 an ordinance, but for strong public policy purposes, the code is
8 likely to be viewed as analogous to those.

9 The issue is that there are a lot of consequences
10 for allowing a national organization, or in this case a
11 non-profit corporation, to dictate what is and no longer is the
12 law in this state, and that would be devastating on our
13 Democratic processes and the sovereignty of our state
14 government.

15 The government is typically free to use its
16 Democratic processes to legislate the will of its citizens, and
17 which is what they did here with the adoption of the NFPA code
18 through legislature. In adopting national standards and
19 practices, the legislature also has discretion in what it picks
20 and chooses.

21 If a change in the national standards and
22 practices automatically meant that they accepted state law,
23 would instantly amended by a change in the code. That would
24 give that power to an entity that is not Constitutionally
25 authorized to have that power.

1 Currently, as the law in Arizona is written in
2 ARS 36-1609, the legislature adopted the NFPA code as it was
3 written at the time with no provision to adopt any future
4 changes without legislative interference. The statute itself
5 specifically incorporates the 2013 edition of the NFPA code as
6 published in August of 2012, and those are the actual words of
7 the statute. If the legislature had intended for any amendments
8 to automatically be incorporated in the future, they would not
9 have included this provision.

10 In addition, it appears that the sponsor of the
11 bill, who was Representative David Gowan, has -- had reached out
12 and was very specific in articulating that his design of the
13 statute was to intend for the law as written and not to include
14 any future changes or versions.

15 My advice is that the duty of this committee is
16 to follow the law as it is written in its plain language and not
17 to include its own interpretations of what it should be unless
18 we have an ambiguity. Here the language is clear and
19 unambiguous, and the State's reserved the right to exercise
20 their sovereignty over matters that involve health, safety,
21 morals and welfare of the citizens, and we have this right under
22 the Tenth Amendment in our police powers.

23 Without challenging our state's sovereignty, I'd
24 see no way around getting out of that code being withdrawn. So
25 I say we follow it as it's written at the time it was adopted

1 until the legislature changes its mind. Sorry.

2 MR. KARRER: Okay. Questions? Why am I looking
3 towards you, James?

4 MR. FORD: Well, I think that what that means is
5 on the fire service side is that the fire service in Arizona
6 should enforce the 2013 NFPA standard as written, because that's
7 not what the industry wants either.

8 MR. KARRER: Yeah.

9 MR. FORD: They don't like the way that that was
10 written.

11 MR. KARRER: That's right.

12 MR. FORD: So just -- you know, you get what you
13 get when you play around with those types -- not play around,
14 that's a bad term, sorry -- but when you do that. So I think
15 that it's -- it would be incumbent on us to let the state fire
16 service know.

17 MR. KARRER: Right.

18 MR. FORD: And the industry know. Whether you
19 like it or not, this is your guidelines. Go from there.

20 MS. SHINN-ECKBERG: Yeah. If they don't like it,
21 they're welcome to go to the legislature and have it changed
22 again --

23 MR. FORD: Again, again and again.

24 MS. SHINN-ECKBERG: -- without.

25 MR. KARRER: And I guess from the fire marshal's

1 office, the state fire marshal's office point of view, I would
2 assume that that kind of dialogue needs to probably be had with
3 not only industry, but also with the other fire departments, the
4 regulatory authorities throughout the state, because obviously,
5 I think this is going to come up.

6 MR. DURHAM: Yeah. And this is correct. We as
7 the state fire marshal's office had virtually no control over
8 what's done with fireworks.

9 MR. KARRER: Right.

10 MR. DURHAM: Our only thing that was given to us
11 is the ability to adopt that.

12 MR. KARRER: Right.

13 MR. DURHAM: Having said that, this last session
14 they went back into law and clarified that it's not just our
15 rule. They've actually put it in the statute.

16 MR. KARRER: Right.

17 MR. DURHAM: The only thing that may be used to
18 regulate on a statewide is the NFA as published in August.
19 Okay. I mean, even our rule at that point is trumped. So the
20 stuff that we might --

21 MR. KARRER: Right.

22 MR. DURHAM: -- went to write that, it is just a
23 state statute, by that statute, and that's all -- that's it. So
24 everybody's going to have to go by that NFPA 1124 as published,
25 and that's TIA 1 but not TIA 2.

1 MR. KARRER: Which you can't even get a copy of
2 that anymore, can you?

3 MR. DURHAM: You can, but it's called a
4 historical document. And the problem is, even though you can
5 buy it, NFPA will not -- they -- most of the time you call NFPA
6 and ask for a formal interpretation, they don't do it.

7 MR. KARRER: Right.

8 MR. DURHAM: There is no interpretation. It's up
9 to the local jurisdictions or someone else to interpret as best
10 they can.

11 MR. KARRER: Okay. All right.

12 MR. LOUMAN: Yeah, I actually did that, talked to
13 NFPA, and they said, I'll interpret 2006 all you want, but when
14 it comes to the '13, no.

15 MR. KARRER: It's going to be problematic. It's
16 going to be problematic.

17 MR. DURHAM: It is. All right.

18 MR. KARRER: All righty. Any further discussion
19 on Item G?

20 MR. FORD: Just -- yeah, just a quick thing, and
21 I think I mentioned it last time, but as we talk about this
22 throughout the state, one of the changes this legislative
23 session was that there is no fireworks use within a mile of any
24 preserve or park or that type of stuff.

25 MR. KARRER: Right.

1 MR. FORD: Which is not what the industry wanted.
2 So again, it will be incumbent upon the fire service and the
3 local jurisdictions to enforce that. Say, hey, you can have a
4 mile buffer around all the wildland areas or all the parks or
5 all those type of places, and that's in state statute now. It's
6 not just a Scottsdale issue, fighting with the fireworks guys.
7 So those types of things, I think we need to compare, because
8 there is the 1124, but there's also the state statute that's
9 been changed several times, because they come back almost every
10 year.

11 MR. KARRER: Okay. Further discussion?

12 Okay. Moving right along to item -- or to new
13 business. Letter A under Roman Numeral V. Report to the
14 committee on the current staffing levels of the Office of the
15 State Fire Marshal and estimated staffing levels required to be
16 effectively enforce -- to effectively enforce the fire code.
17 And then I, discussion and possible action on the current
18 staffing levels of the Office of the State Fire Marshal.

19 Debra and Fred.

20 MR. DURHAM: All right. I will take care of
21 that.

22 If you turn to page 27, page 27, 28 and 29 are
23 the types -- the number of inspections we've done broken down
24 simply into periodic life safety inspections and inspections on
25 construction. If you notice in 2013 fiscal year, we got 483

1 life safety inspections and 858 construction inspections, and
2 that was the point we were at our lowest manning ever.

3 MR. FORD: What was your staffing?

4 MR. DURHAM: We basically had three inspectors,
5 but one of us was filling in as the plans reviewer at the same
6 time. It was really, really thin. So you can see actually, if
7 you go to 2014, the very beginning of 2014, we hired two new
8 deputy fire marshals, Jacob and Dan. You can see the numbers
9 went from only 483 fire safety inspections to 1,392 fire safety
10 inspections with the same -- just between 850, 900 construction
11 inspections. And then 2015, if you look at it, again, periodic
12 inspections, about 1,400, and construction inspections, just shy
13 of 1,000.

14 So the construction numbers hold steady no matter
15 what. The number of life safety inspections, what drives that
16 is manning. You can see the direct 1,000 more a year by two
17 guys.

18 There's -- if you go to page 30, I've got some
19 breakdowns.

20 Page 32 and 33 are the numbers that I base this
21 off of. I took the four guys that all they do is inspections.
22 I've got their -- because of the comment tracker and the tablet
23 system we use, we know exactly how long they spent at each
24 inspection, how far they drove to each inspection. So those
25 numbers are there to be looked at now.

1 MR. LOUMAN: And you still have an inspector in
2 Tucson?

3 MR. DURHAM: Yes. George Chavez is in Tucson.
4 Brad Bulgrin, Dan Ierley and Jacob Avila are up here in the
5 valley. Brad's been -- and Dan are far west -- or fast east
6 side. Jacob is far west. He's out in Buckeye.

7 So if you look at page 30, four inspectors, and
8 this is only inspections conducted between July 1st and March
9 31st, so exactly three quarters of the year. Those four
10 inspectors conducted 671 total inspections for construction.
11 Average hours on site per construction inspection is 1.32.
12 Average hours traveled per construction inspection is 1.14. So
13 you got almost a little over an hour inspecting and a little
14 over an hour driving for each construction inspection. The
15 average distance was just under 60 miles.

16 The expected year -- end of year total for those
17 four inspectors is 894, 895 construction inspections, and that's
18 just the number they had gotten done by that point times 1.25.
19 The average hours per construction inspection is 2.46. So for
20 every permit that we have to inspect, that's almost
21 two-and-a-half hours of manpower time just to get that one done
22 -- each one of those inspections, those numbers you see coming
23 in for those plans, every one of those plans at minimum requires
24 two-and-a-half hours in the field.

25 The fire and safety inspection, the same four

1 inspectors have conducted 954 regularly-scheduled fire safety
2 inspections. The average hours is an hour-and-a-half on site
3 per. The average hours traveled, again, is just under one. The
4 distance, 35, because, well, there's a lot of schools in
5 Maricopa County. Thirty-five miles from our office is a very --
6 lot of schools.

7 The expected total for those guys this year,
8 we're looking at 1,272 inspections for fire safety, and the
9 average type spent is 2.21 hours. That's driving and inspecting
10 per fire safety inspection.

11 So there's a -- now, if you go down, averages of
12 all inspectors, all types of inspections, 2.31. That's a
13 weighted average. The number of hours times number of
14 constructions, number of hours timed, divided by the number of
15 inspections.

16 The effective hours per inspector. For every guy
17 I've got, they get about 1,250 hours a year in the field, either
18 in the truck driving to an inspection or in the field actually
19 inspecting. That -- you know, that -- 2,040 minus training,
20 minus administrative work, minus meetings, minus everything. So
21 you can expect about 1,250 hours of actual productive inspecting
22 work, which I don't think is too bad. I'd put that up as a very
23 good number.

24 Currently, you're getting about 318 fire safety
25 inspections, about 224 construction inspections, for a total of

1 about 542 total inspections per year.

2 So the number of buildings we're responsible for.
3 Currently we have 1,488 schools, 636 charter schools, just over
4 1,000 county buildings, 46 private schools, 765 state
5 facilities, 21 community college campuses, 3 universities.
6 Those 3 universities have -- ASU's got 345, NAU's got 97, and U
7 of A has almost 600 buildings. Right now we do not inspect
8 universities. We have a partnership with NAU, U of A and ASU.
9 It's working fairly well, but we would like to be able to do the
10 universities again. That would be a good thing for the State,
11 and I think state risk would appreciate if we could get at least
12 get some of them done.

13 So if you go to page 31 --

14 MR. FORD: Can I ask a question?

15 MR. DURHAM: Go ahead.

16 MR. FORD: When you say public schools and
17 there's 1,400 --

18 MR. DURHAM: Uh-huh.

19 MR. FORD: -- that's -- is that buildings or
20 sites?

21 MR. DURHAM: That's sites.

22 MR. FORD: Okay. So it's -- because you're
23 saying buildings.

24 MR. DURHAM: Well, because --

25 MR. FORD: That's why --

1 MR. DURHAM: The county buildings -- they're
2 sites there as well.

3 MR. FORD: Okay.

4 MR. DURHAM: But they're -- we call them
5 facilities. The reason we had to use buildings for the
6 universities is that's the only way to break them up, because
7 someone years ago, and it would take many, many, many years for
8 us -- a person to sit in front of the computer and fix this --
9 they decided that University of Arizona and ASU were facilities.
10 So technically, if you go into my records, University of Arizona
11 is one facility, as long as it's on the main campus, even though
12 it's 500 buildings.

13 MR. FORD: Right.

14 MR. DURHAM: So we don't -- we had to break those
15 up by buildings.

16 MR. BURDICK: So let me go off of that, Fred,
17 just for clarification on when you said the public schools,
18 1,488.

19 MR. DURHAM: That's schools.

20 MR. BURDICK: Not --

21 MR. DURHAM: That's not buildings.

22 MR. BURDICK: Not individual buildings. The
23 other thing I'd like to point out is, I mean, when you look at
24 the buildings, you're saying -- so again, it's a little bit of a
25 misnomer, total number of all buildings currently responsible

1 for. It's really a much larger number.

2 MR. DURHAM: The number of buildings is
3 astronomical.

4 MR. BURDICK: Right.

5 MR. DURHAM: But --

6 MR. BURDICK: The other thing I think that's
7 important to point out is based on the local jurisdictions when
8 we do inspections, for instance, in my old community, we might
9 do 6,000, 7,000 a year, but most of -- you say that, but those
10 are businesses, but a lot of those are little mom and pop shops.
11 This is not -- these are all buildings.

12 MR. DURHAM: Uh-huh.

13 MR. BURDICK: That's what I think is important to
14 point out.

15 MR. DURHAM: Well --

16 MR. BURDICK: These are something that you
17 couldn't start really a self-inspection program on these, where
18 we could. So this is a little more challenging.

19 MR. DURHAM: And another thing to explain. Those
20 numbers, those, quotes, inspections for us, those are
21 facilities. So if I take you out to, you know, Glendale High
22 School, that is a facility.

23 MR. BURDICK: Uh-huh.

24 MR. DURHAM: So it may be a six or eight-hour
25 inspection. It's -- it is -- you know, I don't know how many

1 buildings are at that, 10, 12.

2 MR. BURDICK: Yeah.

3 MR. DURHAM: But that is an inspection. We don't
4 break it up by building. We don't break -- for the schools.
5 They are just -- that is a facility. And the same thing for the
6 county jails, for -- if it's got one address, that's one
7 facility.

8 MR. BURDICK: One other question. When it says
9 county buildings, does that include the county hospitals, or are
10 those self?

11 MR. DURHAM: The county hospitals, yes, and no.
12 Maricopa County hospitals, no. Maricopa County hospitals are a
13 little different.

14 Pima County, we have a county hospital. It
15 belongs to the County.

16 Maricopa County hospitals, because of the special
17 taxing district that was formed, they are much like the stadium.
18 They are a self -- they are an entity unto themselves under
19 state law. They have the same standing as a city. They have
20 chosen to hire Rolf Jenson & Associates (phonetic) as their fire
21 code official. We're fine with that, you know. They are --
22 they're almost their own -- they are not almost, they are. They
23 are their own government unto themselves, just like the
24 stadiums, just like -- the special taxing districts, they're
25 like a fire district. They are their own government. It's a

1 little odd.

2 MR. BURDICK: However, going back to that is even
3 any hospital is -- like you're referring to, that's probably a
4 multi-day --

5 MR. DURHAM: Oh, yes.

6 MR. BURDICK: -- process, I'm saying. It's not a
7 -- it's not going to be so... So the problem, I added this up,
8 it's like 5,029 buildings, according to this, but there's really
9 probably two to three times that. Actually, more than that --

10 MR. DURHAM: Right.

11 MR. BURDICK: -- when you break down the actual
12 buildings. So it's a bigger problem than what it appears.

13 MR. DURHAM: Correct.

14 MR. BURDICK: Yeah.

15 MR. DURHAM: If you look at it for the -- like if
16 you go to page 31 and you take a look right now, the workload,
17 current activity, we're getting -- if I have an inspector who
18 only did fire safety inspections, I figured I'd get about 560 --
19 you know, 567, 570 a year. If I had a guy that was only doing
20 construction, he's going to get just over 500, because
21 construction inspections take slightly longer.

22 Schools alone, knowing how long it takes to do a
23 school, how long, just to get the schools done, fire safety, no
24 construction whatsoever, is four full-time people. With four,
25 we could do a better job.

1 To get the county buildings done is another three
2 people, just to cover that.

3 To do the state buildings -- now this is assuming
4 a 50 percent re-inspection rate, i.e. we go and inspect it and
5 it's not right, and we come back in two weeks. Right now we are
6 not able to do that many re-inspections, as many as we would
7 like, only on extremely severe circumstances. If there's
8 something that's an immediate threat to life, we're going to
9 have to come back and, you know, check on it. If it's just your
10 exit lights are out, you need to fix this, it just gets written
11 up. They call us and tell us when it's been finished. So we
12 need two people just to do the state buildings.

13 Another half a person or so just to handle some
14 of the community colleges.

15 Just to get back and do some of the university
16 stuff, another two people.

17 I need -- for 1,000 inspections a year, which is
18 roughly what we're looking at for next year with the way
19 business is picking up slightly in the state, I need two people
20 just to handle construction.

21 Underground storage tanks, I need another half a
22 person just to handle that.

23 And private industry, as we were talking to Lisa
24 last time, the stuff that's not -- we don't know. We have never
25 looked at it. We don't know what's out there. We just -- we

1 don't know.

2 1,000 inspections a year would put a slight dent
3 into it. That would get us to at least know where some of the
4 worst things are, where some of the most -- to hopefully know
5 where the worst things are. That's two people.

6 So by the time you add those numbers up, you're
7 looking at 15 full-time inspectors in the field to even start to
8 make a dent in it. I ran some numbers for what it would really
9 take, and I came up with 26. That's to get everything every
10 year, but this is just the bear minimum. To really do a good
11 job, to start looking at the private industry stuff that has
12 never been looked at in the state, 26 would make a good start.

13 MR. BURDICK: And 15, is this including what you
14 currently have?

15 MR. DURHAM: No.

16 MR. BURDICK: So this is new.

17 MR. DURHAM: Well, no, this is 15 including what
18 we have. Yes. That is correct.

19 MR. BURDICK: Okay.

20 MR. DURHAM: We have four inspectors now. I sent
21 these numbers to the -- these numbers exactly as you see it,
22 when the governor's office asked, this is what I sent them
23 saying basically, you know, please, 11 more people.

24 MR. BURDICK: Yeah. Yeah.

25 MR. DURHAM: In our -- currently in our database,

1 we have approximately 15,000 separate facilities that we've
2 looked at at one time or another. Using that number, because
3 that is -- you know, fuel tanks, gas -- as a snapshot, that's
4 where I came up with, yeah, we need close to 26 people just to
5 knock out those things that have never been looked at.

6 MR. LOUMAN: Were you able, with the ASU
7 downtown, were you able to break that out into buildings.

8 MR. DURHAM: No. ASU downtown -- or U of A
9 downtown -- or no, ASU downtown campus, they have a partnership
10 with Phoenix Fire. Because of the way that was structured,
11 actually, Phoenix has been taking care of that just because of
12 -- I'm not sure how that always worked out between the people
13 who spend all the money from ASU and the City of Phoenix, but I
14 know it's been going through City of Phoenix. And the same
15 thing with the U of A Medical Center has been working with
16 Phoenix for that.

17 I'll let you know I talked to the fire marshal
18 for Phoenix. He said that they would like to take over doing
19 schools again, just the schools within the City of Phoenix.
20 He's applied for five people. Their manpower says they need
21 five people just to do the schools within Phoenix.

22 So that's -- you know, I think we're being pretty
23 efficient. I think our guys are getting a lot done in a year
24 with the mileage they're covering. It's just we're pretty much
25 at the limit. I don't see a way of getting another 1,000

1 inspections out of the guys. I really don't.

2 MR. FORD: So this is just the workload
3 comparison. This doesn't take into account what assistance
4 you're getting, like, from Phoenix or from --

5 MR. DURHAM: No. That does take into -- that
6 does take into account the stuff that you're doing in yours.

7 MR. FORD: That's not included in your numbers.

8 MR. DURHAM: No, no. I didn't -- I -- no, I took
9 out the MOU partner stuff. This is to cover what I've got now
10 with --

11 MS. BLAKE: This is what's left.

12 MR. DURHAM: Right.

13 MR. FORD: This is what's still --

14 MR. DURHAM: If I take everything back in the
15 state, that's 30 people, 40 people. I don't even know where to
16 start, because if I were to get back everything in Scottsdale,
17 well, then I get all the construction in Scottsdale, so then I
18 have more construction, so I need more people to cover that.
19 It's a self -- it's a spiral. Without the partnerships, I don't
20 know where the level would have to be, but it would be above 26.

21 MR. FORD: And that's just to meet your --

22 MR. DURHAM: The minimum requirements.

23 MR. FORD: Which was your whole Sunset issue and
24 all that other stuff, right?

25 MS. BLAKE: The never-ending Sunset audit?

1 MR. FORD: Right, right.

2 MS. BLAKE: Yes. We're expecting the final
3 report on that, I just talked with the auditor, within the next
4 two weeks. I know they're not going to like that -- you know,
5 we can't do the things that they recommended we do, as I keep
6 driving it home, I know Gene did before, is that it's a resource
7 issue for us, just like these numbers Fred just presented. You
8 know, on the manufactured housing side, the same issue. Give me
9 more people, give me money so that I can train those people, and
10 then we can implement your recommendations.

11 You know, when the report comes back, it's going
12 to say again we're not looking at schools at the rate that we
13 need to do. Well, do we look at schools and not do new
14 construction, and then all of that can't move forward, and so it
15 becomes a very political thing. And so I asked the auditor,
16 when you make your final report, say what you need to say.
17 We're not doing them. You know, we're getting the school once
18 every four years basically. Every three? Okay.

19 MR. FORD: Three.

20 MS. BLAKE: So that's what we can do. We'd love
21 to do the other, but I -- we have to have money so that we can
22 hire people and train them to do the -- I mean, it really just
23 boils down to that. So it's very frustrating for all of us,
24 because we want to do all of this, but we can't.

25 MR. FORD: Right.

1 MS. BLAKE: And so I'm not looking forward to the
2 next legislative session when our Sunset audit gets presented
3 again, you know, and we're in the hot seat again, because we're
4 not doing school inspections again. So it just becomes kind of
5 crazy.

6 But the Sunset audit's been going on since 2010.
7 They keep coming back for updates, and the auditor said, well, I
8 think my recommendation is going to be the last update, because
9 you guys aren't moving forward. I'm like, yes, that's right.
10 We're not. We can't. So there really is no point in you coming
11 back every 12 months or 6 months or 18 months for an update.
12 Nothing's going to change until the money and the staffing
13 levels change.

14 MR. FORD: But I think you're showing that you
15 are moving forward or you've moved as far forward as you can --

16 MS. BLAKE: We can.

17 MR. FORD: -- with the resources you have.

18 MR. DURHAM: Yeah.

19 MS. BLAKE: Exactly. Well said. Yes.

20 MR. KARRER: That was what I was going to
21 suggest.

22 MR. DURHAM: I would like to say how great a job
23 the four inspectors are doing. I was going through some old
24 numbers. And in 2006 with nine inspectors, they got roughly
25 1,200 inspections done in a year for all of them, whereas my

1 guys are getting more than that with only four people. I
2 figured out they're three times more efficient. Now, some of
3 that's the tablets. Some of that's the younger guys. I mean,
4 the tablets did make a huge difference. You can get -- the
5 paperwork side of it is cut way back, but I don't see, like,
6 another 50 percent improvement in -- at this point. It's just
7 not feasible.

8 The -- as you were saying, the auditor general is
9 mad because they said I should come up with a ranking system
10 where we should determine the need for things to be inspected
11 and then go off of this system. So I came up with a ranking
12 system, and they said, we only have a third of it done.
13 Correct, because you can't do the ranking until you do an
14 inspection. Maybe in three years everything will be ranked, but
15 until that point, I have to assume things that have not been
16 ranked are a higher priority than things that have been ranked,
17 even if that thing is ranked a high priority. The stuff that
18 hasn't been inspected is still a higher priority. And they
19 don't agree with the way I look at things, but...

20 MR. FORD: But this is what you sent -- I'm sorry
21 if I keep talking -- this is what you sent to the auditor's
22 office for workload and --

23 MR. DURHAM: Yes.

24 MR. FORD: -- estimates and --

25 MR. DURHAM: Or the governor's office.

1 MS. BLAKE: No. We sent it to the governor's
2 office.

3 MR. FORD: Okay. The governor's office. Did the
4 auditors see this stuff?

5 MR. DURHAM: They've seen it and seen it. Yes.

6 MR. LOUMAN: Any type of response from the
7 governor's office?

8 MR. DURHAM: Thank you.

9 MS. BLAKE: Yes, thank you. We received that --

10 MR. LOUMAN: Kind of the same with the letter.

11 MS. BLAKE: -- which is more response than what
12 we normally get.

13 MR. BURDICK: Just a crazy question. This is
14 probably foolish at the state level, but do the elected
15 officials such as the governor or various key decision makers,
16 do they ever come out and visit what you do? Has there ever
17 been a time where they come out to the departments and look
18 around and see, like --

19 MR. DURHAM: I would say yes.

20 MS. BLAKE: I would say that part of Governor
21 Ducey's effort to kind of take a first step towards this was
22 this whole lean transformation. And that is get the agencies in
23 so the governor's staff can look at your processes to kind of
24 get a sense for, you know, how are you managing and can you do
25 it better.

1 He did come to this building, Governor Ducey.
2 All the state agencies housed in this building cleaned
3 everything up real nice and dressed their prettiest that day,
4 and I think they had a meeting upstairs, maybe even in this
5 conference room, and they never went into any of the agencies.
6 I would say, in general, no, they don't. I think they rely on
7 those of us who are leading the agencies to do those things.

8 MR. BURDICK: Has an invitation ever gone out to
9 say go spend time with an inspector or --

10 MR. KARRER: It could be a PR tool, though.

11 MS. BLAKE: Not to the governor. We've put that
12 out for a couple of senators --

13 MR. DURHAM: And our policy advisor.

14 MS. BLAKE: -- that we were having -- huh?

15 MR. DURHAM: And our policy advisor.

16 MS. BLAKE: And our policy advisor to say, hey,
17 you really need to come out and see what we're doing. And they
18 said yes, but they've never actually scheduled it yet. And it
19 frankly usually comes off of somebody's complained, a
20 constituent's made a complaint because -- I'll just use
21 manufactured housing, because that's what I know more about --
22 and that is, you know, we got this home and it didn't have fire
23 sprinklers in it, and we thought that was the code. And so
24 they'll get a complaint, and then kind of as -- you know, you
25 really need to come out to the plant, you know, senator so and

1 so. Let me give you a tour so that you can see how these things
2 are made, how the HUD code is different from the international
3 codes and it doesn't require fire sprinklers, or whatever the
4 topic is. But to date we've never actually taken anybody,
5 because they've never made the time to do it. So we can
6 continue to do that and hope, but...

7 MR. BURDICK: Just curious. Okay.

8 MS. BLAKE: Yeah. Good discussion.

9 MR. BURDICK: Well, sometimes that's effective,
10 and just didn't know if there was even any interest to go that
11 far into the weeds to see what you were trying to accomplish,
12 but I mean, the numbers kind of speak to it. Anyway, I won't
13 belabor this.

14 MR. KARRER: Okay. Any further discussion on the
15 staffing levels or any proposed -- this is a possible action
16 item. Any suggestions at this point? Okay.

17 MS. BLAKE: Anybody have any extra money that you
18 want to give us over here?

19 MR. KARRER: Wish I could. I wish I did.

20 MR. BURDICK: Dip into my retirement, or are you
21 talking about the front page of the paper?

22 MR. KARRER: Oh, gee.

23 MR. LOUMAN: Yeah, that, too.

24 MR. KARRER: All righty. Moving right long,
25 Letter B under new business. Update on department's actions to

1 comply with Executive Order 2015-01, sub-letter I, which is the
2 update on the fee schedule and the recommendation for rule
3 making.

4 Debra.

5 MS. BLAKE: I'll walk you through that. Thank
6 you.

7 So on page 36 and 37, I wanted to provide you
8 with a copy of the first executive order Governor Ducey issued,
9 and basically it's a moratorium on rule writing. And so as you
10 know, if you want an exemption to that moratorium, you have to
11 request it, you know, give your arguments for it. And Fred was
12 successful with getting that through based on your direction to
13 adopt the 2012 fire code.

14 I've highlighted a couple sections on page 37
15 that I just wanted to point your attention to, and that is --
16 and I'm skipping around, number six, no later than July 1st.
17 Each state agency has to provide a letter to the governor to
18 provide an update where electronic reporting and payments are
19 not implemented and how we'll move forward with that. As you
20 know, we were successful with the web portal in getting all the
21 state fire marshal applications and payment processing through
22 that web portal. So we are done with the state fire marshal 100
23 percent on that side, so that's good. We'll be able to report
24 that.

25 Because our one IT person who writes codes had

1 spent all of his time for the fire marshal's office, he's just
2 now working for manufactured housing. So we have a tremendous
3 amount of work to do on that side. We have a tremendous amount
4 of applications, from licensing applications to permits, just a
5 whole, whole lot of things. So he's working on that now. My
6 guess is we'll have to write a letter that we're working on it.
7 We have a three-quarter FTE who writes all the codes for us. So
8 we're moving forward with it. So I think we're in good shape
9 there.

10 The other one, going back up to number five is
11 that by September 1st, all state agencies have to provide to the
12 govern's office an evaluation of all of their rules,
13 recommendations for which can be repealed, amended, consistent
14 with the governor's direction about not putting in any
15 additional burdens on business and industry.

16 And so I think Fred has taken a look at the fires
17 -- fireworks, which are your rules that are in place, and I
18 don't know what direction we're going to do with those, if we're
19 going to recommend they be repealed because they're already
20 addressed somewhere else or if we're going to leave them as they
21 are. But we'll bring those to you, because I think that that
22 would be a decision obviously that this committee would need to
23 make on the adoption or the repealing of those rules. And we'll
24 do that prior to the September date.

25 Any questions about the executive order?

1 MR. FORD: So my question is so the rules that
2 are currently in place for fireworks, we need to officially
3 repeal those because they're now statutes, right? Is that what
4 you are saying?

5 MS. BLAKE: I don't know.

6 MR. KARRER: I don't know.

7 MS. BLAKE: I mean, I need for Fred to review
8 those and make the recommendation.

9 MR. DURHAM: I've reviewed them and they're --
10 everything's a statute now. I don't know whether it can be or
11 can't be or whether it has to stay in rule, because if the
12 statute is not clear, the statute says in one portion, and then
13 it also says in another portion that we will adopt by rule. So
14 they didn't strike that portion when they adopted the new one
15 where they put it into the law. They left the other part that
16 says we will adopt it as well.

17 So we complied with the part that says we'll
18 adopt it. I think it probably just sits as is until they make
19 the next change next year to the fireworks clause.

20 MS. BLAKE: Yeah. So Fred's working on that.

21 For the manufactured housing side, you know, of
22 the department, we have voluminous rules. A lot of them we'll
23 probably be able to repeal only because at the federal level,
24 the HUD regulations address most of it. Mostly it's focused on
25 the installation of modular buildings, manufactured homes. So

1 it exists at the federal level. We adopt that code by
2 reference. So it will look like we repealed a lot when we
3 really didn't do anything. So that's kind of where we're at
4 with that.

5 MR. KARRER: That's good.

6 MS. BLAKE: Yeah, so...

7 And so kind of along that same thing, I've also
8 provided for you on page 38 and 39 something that I wanted to
9 make sure that you were aware of. There's a new House bill that
10 will become law, I believe it's July 3rd, which basically
11 directs agencies that they can't adopt any new rules, and that's
12 kind of it in a nutshell. It goes into a lot more language.
13 You can read through it as you want.

14 But why it's of interest to this committee is
15 because as laws do, direction changes throughout the years, and
16 you may remember back that this committee had approved a fee
17 schedule back in 2012, which is different than what is currently
18 in rule. We need to fix that and get that in rule before July
19 3rd if that's the direction that this committee still wants to
20 take.

21 I'd like to introduce all of you, along that
22 line, to Sara.

23 Sara, would you just stand up real quick? Thank
24 you.

25 Sara is new with the agency, and she, among some

1 other duties, is our legislative liaison.

2 And so thank you, Sara.

3 She drafted for us an exemption to rule making
4 asking that we adopt that fee schedule into rules. She wrote
5 it. We've sent it to our policy advisor. I've spoken with him
6 about it, and he has at least agreed verbally that he will
7 commit to an exemption on that so that we can get it into rule
8 or at least get the process started so that we can get ahead of
9 this law that's coming into place in a month.

10 MR. LOUMAN: Now, is it something that would have
11 to come back to us to be revoted on?

12 MS. BLAKE: Well, unless you don't -- you have --

13 MR. KARRER: Unless we change it.

14 MS. BLAKE: -- different decisions about what you
15 made in 2012, there was not be a reason to revote. So if you
16 think there are things in that --

17 MR. MOORE: No.

18 MS. BLAKE: -- those fees that need to be
19 re-addressed, then we can certainly do that.

20 MR. BURDICK: Can I ask there just kind of a
21 clarifying point. When you read this, so what their
22 determination was when you go down to 3D, it says, for the
23 purposes of this section, agency does not include any board,
24 commission. And since we're a board, is that -- and then I saw
25 what the next pages talks about, which is crazy, but this one,

1 I -- that seems like it would --

2 MS. BLAKE: Well, I tried that.

3 MR. DURHAM: Unfortunately --

4 MS. BLAKE: I'm right there with you.

5 MR. BURDICK: Yeah.

6 MS. BLAKE: But the Attorney General's office set
7 me straight in a heartbeat. No, because actually, Mary
8 Williams, who works with Frank, I called her and I said, oh, I'm
9 not concerned about this at all because we're exempt from this
10 3D. And she said, was your agency adopted under the
11 Constitution or by statute? I said, oh, by statute. She said,
12 okay. Then you're not exempt. Because she said when she first
13 read it, she thought the same thing.

14 MR. BURDICK: Okay.

15 MS. BLAKE: I said, well, can't we just interpret
16 it to say from the point that it says, or other administrative
17 unit, because that's the why way I want it to work, and she said
18 no. So no is it the answer --

19 MR. BURDICK: Okay.

20 MS. BLAKE: -- because this department was
21 established by statute.

22 MR. BURDICK: Okay.

23 MS. BLAKE: It does apply to us. So thank you.

24 MR. BURDICK: But then establishing fees for
25 revenue for the state fire marshal's office, doesn't that by

1 inspecting prevent disasters, so catastrophic event?

2 MR. DURHAM: No, next page.

3 MR. BURDICK: Sorry.

4 MS. BLAKE: Go to page...

5 So the point is you've had that discussion in
6 2012. It never got put into rules, and so in order to get ahead
7 of this, that's going to cut it off at the knees, meaning that
8 we'd have to revert back to the fees that are already set in
9 rural, which I don't think is the intent of this committee.

10 MR. FORD: No.

11 MR. BURDICK: Right.

12 MS. BLAKE: So we've moved forward with it on
13 your behalf assuming that the vote you did in 2012 was still
14 good, and I'm expecting to hear something back as quickly as we
15 typically hear things back from the governor's office. But they
16 are well aware of the urgency of it because of this new law,
17 so...

18 Any additional?

19 MR. FORD: So they're aware of it, but will you
20 make the deadline?

21 MS. BLAKE: My understanding is if we get the
22 letter from them saying we approve the exemption, like we did
23 for the fire code, even though the acronym is GRRC, Governor's
24 Regulatory Review, even though the GRRC process hasn't taken
25 place, because we received the exemption, we're good. And since

1 we already have to go through that process for the fire code, we
2 can just make one rural packet that will address both issues.

3 MR. FORD: Okay.

4 MS. BLAKE: If that's acceptable to all of you.

5 MR. KARRER: I would say yes. I would say --

6 MR. FORD: Do you need a motion?

7 MR. LOUMAN: Keep moving.

8 MR. KARRER: You can't take action.

9 MS. BLAKE: Do we need a motion on that?

10 MR. DURHAM: We don't need a motion on that.

11 MS. BLAKE: No. It was just information sharing.

12 MR. KARRER: Right, right.

13 MS. BLAKE: Yes.

14 MR. KARRER: Okay.

15 MR. FORD: Make a motion?

16 MR. BURDICK: You can make a motion to adjourn.

17 MR. KARRER: Okay.

18 MS. BLAKE: There you go.

19 MR. KARRER: Anything further on the update?

20 Okay. Hearing none, call to the public.

21 Got anything to say, Bob?

22 Okay. Hearing none, announcements, future

23 meeting dates and/or other information concerning --

24 MS. BLAKE: One public.

25 MR. KARRER: Oh, sorry. Go ahead. Sorry.

1 MR. HEADINGTON: My name's Pat Headington. I'm
2 the building and fire code official for Yuma County.

3 I've been patiently waiting and kind of listening
4 to the meeting here today. I would offer there are a couple of
5 things you could do with the 2012 code that could make life a
6 little easier for the smaller jurisdictions and their ability to
7 enforce that code. I will be talking with Debra to see if I
8 could get a copy of the amendments, and I'll be happy to provide
9 some comments back.

10 A couple of the things that I -- one of the first
11 things that I would offer would be to try and mirror an appeals
12 board if -- because the '03, and I haven't looked specifically
13 at the 2012, but the '03 code had some specific appeals board
14 members and criteria in it, fire protection engineer, chemical
15 specialist. If those positions are currently in the 2012, those
16 are very hard positions to fill in smaller jurisdictions,
17 smaller communities. So an option might be to construct an
18 appeals board similar to what statute does, which is also
19 provided for in our building code. It's also provided by
20 statute. Just a couple of options there to think about.

21 I talked to Debra also about the possibility of
22 applying for -- to serve on this board. I'll go ahead and
23 submit that letter and stuff later on.

24 So we -- Yuma County adopted the fire code in
25 2005, and I think Fire Marshall Barber's been involved with

1 several of our meetings along the way. But it has been
2 challenging for us. So a couple of things that I might could
3 share with the committee to help with those smaller
4 jurisdictions. Thank you.

5 MR. KARRER: Thank you very much for your
6 comments.

7 Any further comment from the public?

8 Okay. Hearing none. Announcements? Future
9 meeting dates? As needed.

10 MR. DURHAM: As needed.

11 MR. KARRER: Okay.

12 MR. DURHAM: When called by the chairman.

13 MR. KARRER: Okay. I'll look for a motion for
14 adjournment.

15 MR. MOORE: So moved.

16 MR. FORD: So moved.

17 MR. KARRER: Okay. We have a motion. And then
18 second?

19 MR. LOUMAN: Second.

20 MR. KARRER: All right. All those in favor say
21 aye.

22 BOARD MEMBERS: Aye.

23 MR. KARRER: All righty. We're adjourned. Thank
24 you very much.

25 (Meeting adjourned at 12:08 p.m.)

1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA) ss.

3

4 BE IT KNOWN that the foregoing proceedings were taken
5 before me; that the witness before testifying was duly sworn by
6 me to testify to the whole truth; that the foregoing pages are a
7 full, true and accurate record of the proceedings, all done to
the best of my skill and ability; that the proceedings were
taken down by me in stenographic shorthand and thereafter
reduced to print under my direction.

8 I CERTIFY that I am in no way related to any of the
9 parties hereto, nor am I in any way interested in the outcome
hereof.

10 [] Review and signature was requested.
11 [] Review and signature was waived.
12 [X] Review and signature not required.

13 I CERTIFY that I have complied with the ethical
14 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
15 J(1)(g)(1) and (2).

16 DATED at Phoenix, Arizona, this 22nd day of June 2015.

17

18

TERESA A. VANMETER, RMR
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Certificate No. 50876

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22 I CERTIFY that GRIFFIN & ASSOCIATES, LLC, has complied
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24 (J)(1)(g)(1) through (6).

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